

Appl No. 10/807,708  
Response dated April 27, 2006  
Reply to Office Action of January 23, 2006

**REMARKS**

This is in response to the Office Action dated January 23, 2006. There are presently 22 claims pending in the case and all claims stand rejected. However, the Examiner indicated that claims 1 - 10 and 22 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the action. The Examiner also indicated that claims 13, 14, 16 - 20 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the action and to include any of the limitations of the base claim and any intervening claim.

In the Office Action, the Examiner rejected the claims 1-10, 13-22 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has reviewed the language of the claims and has amended the claims to overcome the Section 112 rejections. Therefore, it is submitted that the rejections under Section 112 should be withdrawn.

The Examiner rejected claims 11, 12, 15 and 21 under 35 U.S.C. 102(b) as being anticipated by Smith et al patent 3,994,350. Applicant acknowledges the rejection and respectfully traverses.

Claim 11 has been rewritten in independent for to include the subject matter of claim 13 (indicated as allowable). Therefore, claim 11 is believed allowable.

The '350 patent to Smith, which is the basis of the Section 102 rejection, includes only a cylinder which operates the arm of the tong mechanism, which in turn allows the jaws of the tong to engage the tubular member or pipe. In fact, the Examiner identifies the articulating means of Smith only by the short arm secured at one end to the cylinder and at a second end to the tong 105. In the present invention, each of the independent claims 15 and 21 includes the power means or cylinder mounted on the base, first and second articulating members or arms, the second of which is secured to the tong, itself. Therefore, the structure which is claimed in the independent claims 15 and 21 is not found in the '350 Smith patent, and therefore, the Section 102 rejection should be withdrawn. Since dependent claim 12 depends from a now allowable independent claim 11, that claim is likewise allowable over the art.

Appl No. 10/807,708  
Response dated April 27, 2006  
Reply to Office Action of January 23, 2006

Applicant requests reconsideration, that the claims be re-examined and found to be in condition for allowance.

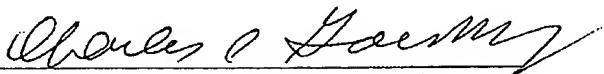
Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

  
Charles C. Garvey, Jr., Reg. No. 27,889  
Gregory C. Smith, Reg. No. 29,441  
Seth M. Nehrbass, Reg. No. 31,281  
Brett A. North, Reg. No. 42,040  
GARVEY, SMITH, NEHRBASS & NORTH, L.L.C.  
**PTO Customer No. 22920**  
3838 N. Causeway Blvd., Suite 3290  
Metairie, LA 70002  
Tel.: (504) 835-2000  
Fax: 504-835-2070  
[www.neworleanspatents.com](http://www.neworleanspatents.com)

Appl No. 10/807,708  
Response dated April 27, 2006  
Reply to Office Action of January 23, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (8 pages total) is being facsimile transmitted to the Commissioner of Patents and Trademarks at (571) 273-8300 on the date shown below.

Charles C. Garvey, Jr.

Type or Print Name of Person Signing Certificate

Charles C. Garvey 4/27/06

Signature

Date

P:\Chuck\RESPONSES\98864.1-RES.wpd